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by Renee D. East
Date of signature and deposit - May 26, 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Benjamin J. Parker et al) Group Art Unit: 2153
)
Serial No.: 10/054,539) Confirmation No.: 5974
)
Filed: 10/25/2001) Examiner: Aaron N. Strange
)
For: Service-Based Network Packet Routing) Attorney Docket: 1687(15722)
Redirection Using An Address Server)
)

APPELLANT'S REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed April 21, 2006. Applicant provides the following responses to the points of argument designated in the Examiner's Answer as arguments (a) through (g).

In argument (a), the Examiner's Answer argues that the limitations of the address server are met by a conventional DNS server. In fact, the address server as recited in claims 1 and 8 stores numerical network addresses of service-option resources. It does not store domain names. The invention does not involve the use of domain names. Since Domain Name Servers

do not store addresses of service-option resources, the statement in the Examiner’s Answer is erroneous.

In argument (b), the Examiner’s Answer suggests that the fact that the invention has no noticeable affect on the user is “largely irrelevant.” Since the use of a Domain Name Server is solely to assist the conscious input of an address by a user, the fact that the address server as claimed in the present application is unnoticeable to the user is clearly relevant because it tends to show the lack of motivation for the combination of references. The known uses of one of the elements of the proposed combination is clearly a factor in determining whether there is motivation for one skilled in the art to use the particular element for a completely different purpose.

The issue of motivation to combine Zhang and RAD is addressed in arguments (c) through (f). The arguments of the Examiner improperly use the advantages of the invention itself as alleged evidence of motivation for the combination. For example, the paragraph bridging pages 12 and 13 of the Examiner’s Answer is a pure reflection of the Applicant’s specification and has no support at all in any prior art.

The only other source of motivation for combining the references suggested by the Examiner’s Answer concerns an alleged benefit when an administrator configures a service selection gateway. The Answer does not even attempt to show that this motivation is provided by the references themselves or by the knowledge of one skilled in the art. It is likewise derived in hindsight based on Applicant’s specification. Since there is no motivation in the prior art itself, the references are not combinable. Moreover, it is highly questionable that a network owner would invest in extra equipment (e.g., an address server) and all the associated overhead to achieve the minimal advantage wherein a skilled network technician who is configuring a service selection gateway does not have to use a numeric address.

CONCLUSION

The final rejection has failed to establish a case of *prima facie* obviousness of any of claims 1-15. Accordingly, the final rejection should be reversed.

Respectfully submitted,



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